

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

GARY CARTER

(b) County of Residence of First Listed Plaintiff _____

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
(215) 540-8888

DEFENDANTS

NCO FINANCIAL SYSTEMS, INC.

County of Residence of First Listed Defendant _____

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known) _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. SECTION 1692
 Brief description of cause:
 Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE _____

DOCKET NUMBER _____

Explanation:

3-11-11

DATE

SIGNATURE OF ATTORNEY OF RECORD

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Gary Carter

CIVIL ACTION

v.

NCO Financial Systems, Inc.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

3-11-11
Date

Craig Kimmel
Attorney-at-law

Gary Carter
Attorney for

215-540-8888
Telephone

877-788-2864
FAX Number

Kimmel@Creditlaw.com
E-Mail Address

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1115 Laurel Ct, Florence OR 97439

Address of Defendant: 507 Prudential Rd, Horsham, PA 19044-2308

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 15 U.S.C. § 1692
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Craig Kimmel, counsel of record do hereby certify:
☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
☐ Relief other than monetary damages is sought.

DATE: 3-11-11 Craig Kimmel 57108
Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 3-11-11 Craig Kimmel 57108
Attorney-at-Law Attorney I.D.#

1
2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

4 GARY CARTER,

5 Plaintiff

7 v.

8 NCO FINANCIAL SYSTEMS, INC.,

9 Defendant

)

)

)

)

)

)

)

)

)

Case No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

11 **COMPLAINT**

12
13 GARY CARTER ("Plaintiff"), by his attorneys, KIMMEL &
14 SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS,
15 INC., ("Defendant"):

17 **INTRODUCTION**

18 1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection
19 Practices Act, 15 U.S.C. § 1692 et seq. (FDCPA).

21 **JURISDICTION AND VENUE**

22 2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d),
23 which states that such actions may be brought and heard before "any appropriate
24 United States district court without regard to the amount in controversy," and 28
25

1 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising
2 under the laws of the United States.

3
4 3. Defendant conducts business and has an office in the Commonwealth
5 of Pennsylvania, and therefore, personal jurisdiction is established.

6 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

7 5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and
8 2202.
9

10 PARTIES

11 6. Plaintiff is a natural person residing in Florence, Oregon.

12 7. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. §
13 1692a(3).
14

15 8. Defendant is a national debt collection company with corporate
16 headquarters located at 507 Prudential Road, Horsham, Pennsylvania, 19044-
17 2308.
18

19 9. Defendant is a debt collector as that term is defined by 15 U.S.C. §
20 1692a(6), and sought to collect a consumer debt from Plaintiff.

21 10. Defendant acted through its agents, employees, officers, members,
22 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
23 representatives, and insurers.
24
25

11. The Fair Debt Collection Practices Act ("FDCPA") is a comprehensive statute, which prohibits a catalog of activities in connection with the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that violates its provisions, and establishes general standards of debt collector conduct, defines abuse, and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the FDCPA declare certain rights to be provided to or claimed by debtors, forbid deceitful and misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or unconscionable conduct, both generally and in a specific list of disapproved practices.

12. In particular, the FDCPA broadly enumerates several practices considered contrary to its stated purpose, and forbids debt collectors from taking such action. The substantive heart of the FDCPA lies in three broad prohibitions. First, a "debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt." 15 U.S.C. § 1692d. Second, a "debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt." 15 U.S.C. § 1692e. And third, a "debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt." 15 U.S.C. §

1 1692f. The FDCPA is designed to protect consumers from unscrupulous
2 collectors, whether or not there exists a valid debt, broadly prohibits unfair or
3 unconscionable collection methods, conduct which harasses, oppresses or abuses
4 any debtor, and any false, deceptive or misleading statements in connection with
5 the collection of a debt.
6

7 13. In enacting the FDCPA, the United States Congress found that
8 “[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt
9 collection practices by many debt collectors,” which “contribute to the number of
10 personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of
11 individual privacy.” 15 U.S.C. § 1692a. Congress additionally found existing
12 laws and procedures for redressing debt collection injuries to be inadequate to
13 protect consumers. 15 U.S.C. § 1692b.
14

15 14. Congress enacted the FDCPA to regulate the collection of consumer
16 debts by debt collectors. The express purposes of the FDCPA are to “eliminate
17 abusive debt collection practices by debt collectors, to insure that debt collectors
18 who refrain from using abusive debt collection practices are not competitively
19 disadvantaged, and to promote consistent State action to protect consumers against
20 debt collection abuses.” 15 U.S.C. § 1692e.
21
22
23

24 **FACTUAL ALLEGATIONS**

25 15. At all pertinent times hereto, Defendant was hired to collect a

1 consumer debt allegedly owed by Plaintiff.

2 16. The alleged debt at issue arose out of transactions, which were
3 primarily for personal, family, or household purposes.
4

5 17. Defendant was attempting to collect a debt from 1993 allegedly owed
6 to American General Finance.

7 18. In or around November 2010, Defendant began contacting Plaintiff
8 seeking and demanding payment for an alleged debt.
9

10 19. In December 2010, Defendant demanded that Plaintiff pay the alleged
11 debt, although it could not tell him what the alleged debt was for and refused to
12 provide him with documentation showing that this was a valid debt.
13

14 20. Defendant threatened Plaintiff that if he did not provide a credit card
15 number that Defendant would utilize other means to collect the debt, which caused
16 Plaintiff fear and apprehension, as he did not know what Defendant would do in
17 its attempts to collect the debt, but interpreted this statement as a threat to sue.
18

19 21. Then, on or about December 24, 2010, Defendant sent
20 correspondence to Plaintiff seeking and demanding payment for an alleged debt.
21 See Exhibit A.
22

23 22. Defendant claimed Plaintiff owed \$5619.46 to NCO Portfolio
24 Management. See Exhibit A.
25

1 23. Defendant stated, "We hope that you are in a better position to pay
2 the above account," which confused Plaintiff as he did not know what Defendant
3 meant. See Exhibit A.
4

5 24. Defendant did advise Plaintiff that he had the right to dispute the debt
6 and/or request verification of the debt. See Exhibit A.
7

8 25. Before Plaintiff could exercise his rights to dispute the debt and/or
9 request verification, fifteen (15) days later, Defendant sent Plaintiff a second letter
10 seeking and demanding payment of the alleged debt, this time offering to accept
11 "30% of the balance" or "\$1688.62." See Exhibit B, Defendant's January 8, 2011,
12 letter.
13

14 26. Defendant's demand for payment, as well as attempts to settle the
15 alleged debt, overshadowed Plaintiff's rights to dispute the debt and/or request
16 verification of the debt. See Exhibit B
17

18 27. Furthermore, in its January 8, 2011, letter, Defendant failed to advise
19 Plaintiff of the possible tax implications if he were to accept the settlement offer.
20 See Exhibit B
21

22 28. Finally, if Defendant wanted to accept the settlement offer, the
23 payment voucher did not allow for him to elect this option, making Defendant's
24 settlement offer appear illusory. See Exhibit B
25

30. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry,
deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). “Because the Act imposes
strict liability, a consumer need not show intentional conduct by the debt collector
to be entitled to damages.” Russell v. Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996);
see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding
unintentional misrepresentation of debt collector’s legal status violated FDCPA);
Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

31. The FDCPA is a remedial statute, and therefore must be construed liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts interpret it liberally. Clark v. Capital Credit & Collection Services, Inc., 460 F. 3d 1162 (9th Cir. 2006). “Because the FDCPA, like the Truth in Lending Act (TILA) 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be construed liberally in favor of the consumer.” Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).

32. The FDCPA is to be interpreted in accordance with the “least
sophisticated” consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168
(11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v.

1 Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA
 2 was not “made for the protection of experts, but for the public - that vast multitude
 3 which includes the ignorant, the unthinking, and the credulous, and the fact that a
 4 false statement may be obviously false to those who are trained and experienced
 5 does not change its character, nor take away its power to deceive others less
 6 experienced.” Id. The least sophisticated consumer standard serves a dual
 7 purpose in that it ensures protection of all consumers, even naive and trusting,
 8 against deceptive collection practices, and protects collectors against liability for
 9 bizarre or idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at
 10 1318.
 11
 12
 13

14 **COUNT I**
 15 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES**
 16 **ACT**

17 33. Defendant violated the FDCPA based on the following:

- 18 a. Defendant violated §1692 of the FDCPA generally;
- 19 b. Defendant violated §1692d of the FDCPA by engaging in
 20 conduct the natural consequence of which is to harass, oppress,
 21 or abuse the Plaintiff in connection with the collection of a
 22 debt;
- 23 c. Defendant violated §1692e of the FDCPA by using false,
 24 deceptive or misleading representations or mean in connection
 25

1 with the collection of a debt;

2 d. Defendant violated §1692e(5) of the FDCPA by threatening to
3 take an action that cannot legally be taken or that is not
4 intended to be taken;

5 e. Defendant violated §1692e(10) of the FDCPA by using false
6 representations or deceptive means to collect or attempt to
7 collect any debt; and
8

9 f. Defendant violated §1692f of the FDCPA by using unfair or
10 unconscionable means to collect or attempt to collect any debt;
11

12 34. As a direct and proximate result of one or more or all of the statutory
13 violations above, Plaintiff has suffered emotional distress.
14

15 WHEREFORE, Plaintiff, GARY CARTER, respectfully requests judgment
16 be entered against Defendant, NCO FINANCIAL SYSTEMS, INC., for the
17 following:
18

19 a. Declaratory judgment that Defendant's conduct violated the Fair
20 Debt Collection Practices Act,

21 b. Statutory damages pursuant to the Fair Debt Collection Practices
22 Act, 15 U.S.C. § 1692k,
23

24 c. Actual damages,
25

- 1 d. Costs and reasonable attorneys' fees pursuant to the Fair Debt
2 Collection Practices Act, 15 U.S.C. § 1692k
3
4 e. Any other relief that this Honorable Court deems appropriate.

5 **DEMAND FOR JURY TRIAL**

6 PLEASE TAKE NOTICE that Plaintiff, GARY CARTER, demands a jury
7 trial in this case.

8
9 DATED: 3-11-11

RESPECTFULLY SUBMITTED,

KIMMEL & SILVERMAN, P.C.

10
11 By: 

Craig Thor Kimmel
Attorney ID # 57100
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
Phone: (215) 540-8888
Fax: (877) 788-2864
Email: kimmel@creditlaw.com

PO Box 4909
Dept 22
Trenton, NJ 08650-4909

NCO FINANCIAL SYSTEMS INC

507 Prudential Road, Horsham, PA 19044

Calls to or from this company may be monitored
or recorded for quality assurance.

1-800-221-8887
OFFICE HOURS:
8AM-9PM MON THRU THURSDAY
8AM-5PM FRIDAY
8AM-12PM SATURDAY
Dec 24, 2010

0464-1118
XV2951
GARY CARTER

NCO PORTFOLIO MANAGEMENT
FORMER CREDITOR:
AMERICAN GENERAL FINANCE
CREDITOR'S ACCOUNT #: 52482194
CURRENT BALANCE DUE: \$ 5619.46

Your account has been purchased by NCO PORTFOLIO MANAGEMENT.

The above-referenced account remains unpaid. A credit reporting agency has indicated that an inquiry has been made on your credit report. We hope that you are in a better position to pay the above account.

You may also make payment by visiting us online at www.ncofinancial.com. Your unique registration code is CXV29512-23PCZ9. To receive future notices for the account(s) by e-mail, visit www.ncofinancial.com for details.

Returned checks may be subject to the maximum fees allowed by your state.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Your account balance may be periodically increased due to the addition of accrued interest or other charges as provided in your agreement with the original creditor or as otherwise provided by state law.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

ADDR: 507 PRUDENTIAL ROAD, HORSHAM, PA 19044

Our Account #	Current Balance Due
XV2951	\$ 5619.46

GARY CARTER

Payment Amount

\$

Check here if your address or phone number has
changed and provide the new information below.

Make Payment To:

|||||

NCO FINANCIAL SYSTEMS
PO BOX 4907
TRENTON NJ 08650-4907

NCOP J4
1118



012200XV29519000000150000000005619464

PO BOX 15630
WILMINGTON DE 19850

Calls may be monitored or recorded
for quality assurance.

NCO Portfolio Management, Inc. (NCO Portfolio Management is a d/b/a for many of the affiliated companies), NCOP Services, Inc., NCOP Financing, Inc., NCOP I, LLC, NCOP II, LLC, NCOP III, LLC, NCOP IV, LLC, NCOP V, LLC, NCOP VI, LLC, NCOP VII, LLC, NCOP VIII, LLC, NCOP IX, LLC, NCOP X, LLC, NCOP XI, NCOP XII, LLC, NCO PXII, LLC, NCOP Lakes, Inc., NCOP Capital, Inc., NCOP Capital I, LLC, NCOP Capital II, LLC, NCOP Capital III, LLC, NCOP Capital IV, LLC, NCOP/CF, LLC, NCOP CF II, LLC, Creditrust SPV2, LLC, Creditrust SPV98-2, LLC, Creditrust Funding I, LLC, Creditrust SPV99-1, LLC, Creditrust SPV99-2, LLC, NCOP-Marlin-CVI, LLC, Portfolio Acquisitions, LLC, Marlin Services, LLC, Inovision-Medclr-NCOP-NF, LLC, Inovision-Medclr-NCOP-F, LLC, Medclr, Inc., Inovision Medclr Portfolio Group, LLC, Integrated Capital, A NCOP Company, LLC, Inovision Capital, LLC, Inovision, Inc., Inovision, A NCOP Company, LLC, Medclr Hospital Portfolio, LLC, OSI Funding, LLC, OSI Portfolio Services, Inc., Perimeter Credit, LLC, Gulf State Credit, LLC, Portfolio Acquisition, LLC, Asset Recovery & Management Corp., CRC Investors, LLC and Medclr-Inovision Portfolio Acquisitions.

Dear Account Holder:

At NCO Portfolio Management, Inc., and its affiliated companies listed above (collectively, the "Account Owners" or "we"), protecting the confidentiality and security of our account holders' information has always been an important part of the way we conduct our business. On the back of this letter you will find our Privacy Notice which will provide you with information to help you understand how we handle the non-public personal information about you that we obtain from time to time.

This Privacy Notice is being sent to you on behalf of each of the Account Owners. To ensure that this important information reaches all of our account holders, we are mailing a copy of this letter to each account holder. If your account has been settled, the balance has been paid, the balance has been disputed, or if you have filed for bankruptcy protection, the status of your account shall not change as a result of this notice. If you are an account holder on more than one of our accounts, you may receive more than one letter regarding this Privacy Notice.

Please review the Privacy Notice contained on the back of this letter for an explanation of the Account Owners' policies and procedures regarding the use of non-public, personal information.

PO Box 4907

Dept 22

Trenton, NJ 08650-4907



Calls to or from this company may be monitored
or recorded for quality assurance.

NCO FINANCIAL SYSTEMS INC

507 Prudential Road, Horsham, PA 19044

1-800-221-8887

OFFICE HOURS:

8AM-9PM MON THRU THURSDAY

8AM-5PM FRIDAY

8AM-12PM SATURDAY

Jan 8, 2011



464-1310

XV2951

GARY CARTER

NCO PORTFOLIO MANAGEMENT

FORMER CREDITOR:

AMERICAN GENERAL FINANCE

CREDITOR'S ACCOUNT #: 52482194

CURRENT BALANCE DUE: \$ 5628.73

Your account has been purchased by NCO PORTFOLIO MANAGEMENT. NCO Financial Systems, Inc. is the servicer of the account.

The creditor has agreed to accept 30 percent of the balance listed above or \$1688.62 as a lump sum settlement of the account. This offer will remain valid for a minimum of 45 days from the date of this letter and may be extended for an additional period. Before making a settlement payment after 45 days from the date of this letter, please confirm with one of our representatives that this offer is still valid.

Should you choose to accept this offer, please enclose the bottom portion of this letter, or a copy thereof, with your settlement payment and mark your check or money order with the account number and that this is a settlement. Returned checks may be subject to the maximum fees allowed by your state.

You may also make payment by visiting us online at www.ncofinancial.com. Your unique registration code is CXV29512-23PCZ9. To receive future notices for the account(s) by e-mail, visit www.ncofinancial.com for details.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Should you choose not to accept this offer, your account balance may be periodically increased due to the addition of accrued interest or other charges as provided in your agreement with the original creditor or as otherwise provided by state law.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

ADDR: 507 PRUDENTIAL ROAD, HORSHAM, PA 19044

Our Account #

XV2951

Current Balance Due

\$ 5628.73

GARY CARTER

Payment Amount

\$

Check here if your address or phone number has
changed and provide the new information below.

Make Payment To:



NCO FINANCIAL SYSTEMS

PO BOX 4907

TRENTON NJ 08650-4907

NCOF 39
1310

012200XV295190000001500000000005628738

PO BOX 15630
WILMINGTON DE 19850

Calls may be monitored or recorded
for quality assurance.

NCO Portfolio Management, Inc. (NCO Portfolio Management is a d/b/a for many of the affiliated companies), NCOP Services, Inc., NCOP Financing, Inc., NCOP I, LLC, NCOP II, LLC, NCOP III, LLC, NCOP IV, LLC, NCOP V, LLC, NCOP VI, LLC, NCOP VII, LLC, NCOP VIII, LLC, NCOP IX, LLC, NCOP X, LLC, NCOP XI, NCOP XII, LLC, NCO PXII, LLC, NCOP Lakes, Inc., NCOP Capital, Inc., NCOP Capital I, LLC, NCOP Capital II, LLC, NCOP Capital III, LLC, NCOP Capital IV, LLC, NCOP/CF, LLC, NCOP CF II, LLC, Creditrust SPV2, LLC, Creditrust SPV98-2, LLC, Creditrust Funding I, LLC, Creditrust SPV99-1, LLC, Creditrust SPV99-2, LLC, NCOP-Marlin-CVI, LLC, Portfolio Acquisitions, LLC, Marlin Services, LLC, Inovision-Medclr-NCOP-NF, LLC, Inovision-Medclr-NCOP-F, LLC, Medclr, Inc., Inovision Medclr Portfolio Group, LLC, Integrated Capital, A NCOP Company, LLC, Inovision Capital, LLC, Inovision, Inc., Inovision, A NCOP Company, LLC, Medclr Hospital Portfolio, LLC, OSI Funding, LLC, OSI Portfolio Services, Inc., Perimeter Credit, LLC, Gulf State Credit, LLC, Portfolio Acquisition, LLC, Asset Recovery & Management Corp., CRC Investors, LLC and Medclr-Inovision Portfolio Acquisitions.

Dear Account Holder:

At NCO Portfolio Management, Inc., and its affiliated companies listed above (collectively, the "Account Owners" or "we"), protecting the confidentiality and security of our account holders' information has always been an important part of the way we conduct our business. On the back of this letter you will find our Privacy Notice which will provide you with information to help you understand how we handle the non-public personal information about you that we obtain from time to time.

This Privacy Notice is being sent to you on behalf of each of the Account Owners. To ensure that this important information reaches all of our account holders, we are mailing a copy of this letter to each account holder. If your account has been settled, the balance has been paid, the balance has been disputed, or if you have filed for bankruptcy protection, the status of your account shall not change as a result of this notice. If you are an account holder on more than one of our accounts, you may receive more than one letter regarding this Privacy Notice.

Please review the Privacy Notice contained on the back of this letter for an explanation of the Account Owners' policies and procedures regarding the use of non-public, personal information.